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March 22, 2010

Via Email & 1st Class Mail

John A. Carrigan, Section Chief
Solid Waste Management
DEP-Northeast Regional Office
205B Lowell Street
Wilmington, MA 01887

**Re: Commonwealth of Massachusetts vs. New Ventures Associates LLC ;
Civil Action No. SUCV2006-00790; FMF# 39545;
Repair of FML and Wells**

Dear Mr. Carrigan:

This letter is in response to the Department's letter dated March 11, 2010 that was received while I was away last week. We are writing again in hopes of ending the paper trail and getting back to the business of repairing and closing the Crow Lane Landfill.

At present time the Department has suggested that it may elect to transfer monies from the New Ventures Financial Assurance Mechanism ("FAM") to repair portions of the flexible membrane liner ("FML") and landfill gas system that were damaged during hurricane-like force winds of February 25 and February 26, 2010 rather than allow New Ventures to access the FAM. New Ventures' response to that position was articulated in my letter dated March 5, 2010.

1. The Department stated by letter from Richard Chalpin that New Ventures' future access to the FAM must be supported by presenting New Ventures' financial records to the Department.
2. New Ventures sent a letter dated March 4, 2010 seeking a confirmation that the tax returns are considered confidential under the public records statute and its regulations pursuant to M.G.L., c. 62C. No confirmation has been received as of this date. A follow up telephone call and email have been sent to Department counsel. New Ventures cannot comply with the Department's request without a response to its letter.

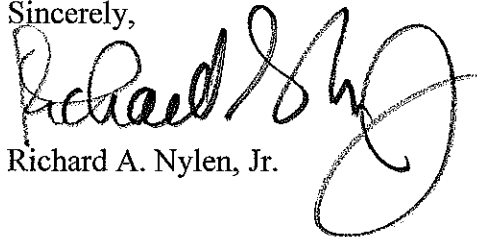
3. New Ventures has taken steps and contacted the FML installer to conduct the repairs. The cost for the Department to conduct repairs will exceed costs if New Ventures' supervises the repair which is in the bests interest of all parties.
4. My references to the absence of a public health threat or off-gassing is that Paragraph 27 is designed specifically to assure compliance with the Settlement Agreement and performance standards. I acknowledge the Department's position that FML repairs are not tied to public health threats or off-gassing.
5. New Ventures has requested previously a meeting with the Department to discuss the repairs, operation and maintenance and closure issues in lieu of continuous letters that polarize positions rather than focus on completion of the closure.

We await the Department's response on these matters.

Please contact us if you have any questions.

Thank you.

Sincerely,



Richard A. Nylen, Jr.

RAN/kad

cc: The Honorable Donna Holaday, Mayor
Mr. William Thibeault, New Ventures Associates, LLC
Mr. Michael Quatromoni
Mark R. Reich, Esq.